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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOHN HOWARD AXELGARD,

Defendant.

Case No. 2:17-cr-111-KJD-VCF

ORDER

Presently before the Court is Defendant's Unopposed Motion to Dismiss Indictment (#51). The Government filed a response (#53) stating that they do not oppose the motion.

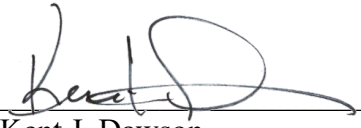
Defendant has been in the custody of the Federal Bureau of Prisons for competency evaluation and restoration pursuant to 18 U.S.C. § 4241(d) since August 2, 2017. A report dated September 26, 2018, and filed under seal, concluded that Defendant remained incompetent to stand trial and was substantially unlikely to be restored to competency in the foreseeable future.

Based on the agreement of the parties and the report by Jacob X. Chavez, Psy. D., Clinical Psychologist, the Court dismisses the indictment because Defendant remains incompetent to stand trial and is substantially unlikely to be restored to competency in the foreseeable future.

Accordingly, IT IS HEREBY ORDERED that Defendant's Unopposed Motion to Dismiss Indictment (#51) is **GRANTED**;

1 IT IS FURTHER ORDERED that pursuant to the final provisions of Title 18, U.S.C.,
2 Section 4241(d), the defendant be committed to the custody of the Attorney General or his
3 authorized representative for further evaluation and, if appropriate, proceedings under Title 18,
4 U.S.C., Section 4246.

5 Dated this 31st day of October, 2018.

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8 Kent J. Dawson
9 United States District Judge
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